



PATENT--FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:) I hereby certify that this
ANDREI V. GUDKOV ET AL.) paper is being deposited
Serial No.: 09/880,417) with the United States
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Attorney Docket No. 27611/37477) addressed to:
Group Art Unit: 1614) Commissioner for Patents
Examiner: Rebecca Cook) P.O. Box 1450
Dated: April 2, 2004
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Registration No. 32,361
Attorney for Applicants

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01 FC:2253 475.00 OP
02 FC:2814 55.00 OP

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE-PATENTING REJECTION
OVER A PENDING SECOND APPLICATION**

Commissioner for Patents
P.O. Box 1450
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Sir:

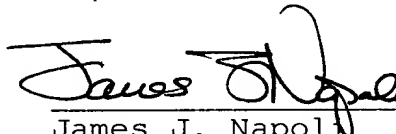
The undersigned, having power of attorney from the assignee, The Board of Trustees of the University of Illinois (U of I), has executed this document on behalf of petitioner, U of I. Petitioner is a body politic of the state of Illinois, 352 Administration Building, 506 South Wright Street, Urbana, Illinois 61801, and is the owner of 100% interest in the instant application, as shown by the assignment recorded April 14, 2000, at Reel 10751, Frame 996. Petitioner hereby disclaims, except as provided below, the terminal part

of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer of copending application Serial No. 09/947,757, filed September 6, 2001. Petitioner also is the owner of 100% interest in U.S. application Serial No. 09/947,757 as shown by the assignment recorded on April 14, 2000 at Reel 10751, Frame 996. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. application Serial No. 09/947,757 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of copending U.S. application Serial No. 09/947,757, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereof.

The Commissioner is hereby authorized to credit any overpayment or charge any additional fees which may be required during the pendency of this application under 37 C.F.R. \$1.16 or 37 C.F.R. \$1.17 or under applicable rules (except payment of issues fees), to Deposit Account No. 13-2855. A copy of this transmittal is enclosed.


James J. Napoli
Reg. No. 32,361

Dated: April 2, 2004

☒ Our firm check in the amount of \$110.00 is enclosed in payment of the requisite Terminal Disclaimer fee under 37 C.F.R. \$1.20(d).